

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-4385**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

PRINCE ORWELL UWAEZUOKE,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. Marvin J. Garbis, Senior District Judge. (CR-01-512)

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Submitted: April 30, 2004

Decided: May 17, 2004

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Before WIDENER, TRAXLER, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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John D. Ash, Towson, Maryland, for Appellant. Thomas M. DiBiagio, United States Attorney, Stephen M. Schenning, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Prince Orwell Uwaezuoke pleaded guilty to bank fraud. In his plea agreement, Uwaezuoke waived his right to appeal any sentence within the guideline range and below the statutory maximum. His twenty-seven month sentence satisfied both these requirements. Uwaezuoke's counsel has filed an appeal under Anders v. California, 386 U.S. 738 (1967), asserting that the sentencing court erred in denying his motion for a downward departure. Uwaezuoke was informed of his right to file a supplemental brief but did not do so.

We review the validity of a defendant's waiver of appellate rights de novo. United States v. Marin, 961 F.2d 493, 496 (4th Cir. 1992). We conclude that Uwaezuoke's waiver is valid, and his appeal is therefore meritless. See United States v. Wiggins, 905 F.2d 51, 53 (4th Cir. 1990). Accordingly, we affirm Uwaezuoke's convictions and sentence.

In accordance with Anders, we have reviewed the entire record in this case and find no other meritorious issues for appeal. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a

copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED